

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BILLY J. HOWARD,

Plaintiff,

v.

ORDER
09-CV-003A

UNITED STATES OF AMERICA,
U.S. DEPARTMENT OF DEFENSE and
GREGORY M. KEMP,

Defendants.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b). On October 14, 2009, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendants' motion to substitute the United States as the property party defendant in place of Gregory M. Kemp and the U.S. Department of Defense be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendants' motion to substitute the United States of America as the property party defendant in place of Gregory M. Kemp and the U.S. Department of Defense is granted.

The case is referred back to Magistrate Judge Schroeder for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: November 3, 2009